

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BENN SORENSEN,

Plaintiff,

vs

6:04-CV-321

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

APPEARANCES:

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DAVID N. HURD
United States District Judge

OF COUNSEL:

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Assistant U.S. Attorney

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Chief Counsel, Region II
PETER S. KRYNSKI, ESQ.
Assistant Regional Counsel

DECISION and ORDER

Plaintiff, Benn Sorensen, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated April 5, 2006, the Honorable David E. Peebles, United States Magistrate Judge,

recommended that defendant's motion for judgment on the pleadings be granted, the Commissioner's finding of no disability be affirmed, and that plaintiff's complaint be dismissed in all respects. The plaintiff has timely filed objections to the Report-Recommendation, and the defendant has filed a response to the objections.

Based upon a de novo determination of the portions of the report and recommendations to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

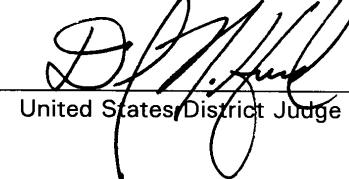
ORDERED that

1. The defendant's motion for judgment on the pleadings is GRANTED;
2. The Commissioner's finding of no disability is AFFIRMED; and
3. Plaintiff's complaint is DISMISSED in all respects.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: April 25, 2006
Utica, New York.



United States District Judge